

Proceedings of the Arizona Game and Fish  
Commission License Revocation & Civil  
Assessment Hearings  
Thursday, December 4, 2003 – 1:30 p.m.  
Holiday Inn, 245 London Bridge Avenue  
Lake Havasu City, AZ

PRESENT: (Commission)

(Director's Staff)

Chairman Joe Carter  
Commissioner Sue Chilton  
Commissioner W. Hays Gilstrap  
Commissioner Joe Melton  
Commissioner Michael M. Golightly

Director Duane L. Shroufe  
Asst. A.G. Jay Adkins  
Asst. A.G. Jim Odenkirk

11. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

**Presenter:** Leonard Ordway, Law Enforcement Branch Chief

Roll call was taken. No one noticed was present at today's meeting:

**Motion:** Gilstrap moved and Chilton seconded THAT THE COMMISSION TAKE JURISDICTION IN THESE CASES.

**Vote:** Unanimous

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Scott Phillips

Phillips was found guilty in Globe Regional Justice Court of knowingly taking wildlife (white-tailed doe deer) during a closed season. He was fined \$225, including surcharges plus \$75 cost of prosecution.

**Motion:** Chilton moved and Melton seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF SCOTT PHILLIPS TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE CURRENT LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE A HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES FROM OR TO BRING CIVIL ACTION AGAINST SCOTT PHILLIPS TO COLLECT THE AMOUNT OF \$1,335.89 FOR THE LOSS OF ONE (1) WHITE-TAILED DOE DEER. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Matthew F. Lueker and Warren C. Browning

Lueker was found guilty in Round Valley Justice Court of A) possessing unlawfully taken wildlife (antelope) and B) knowingly taking wildlife (antelope) during a closed season. He was fined \$583 for Count A and \$1,883.00 for Count B.

Browning was found guilty in Round Valley Justice Court of possessing unlawfully taken wildlife (antelope). He was fined \$583. Browning appeared before the Commission in 1999; that case is currently assigned to the Attorney General's Office for collection of civil assessment for knowingly taking big game (deer) during a closed season. He remains on revocation for that violation until October 22, 2004.

**Motion:** Melton moved and Gilstrap seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF MATTHEW F. LUEKER TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE CURRENT LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE A HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES FROM OR TO BRING CIVIL ACTION AGAINST MATTHEW F. LUEKER TO COLLECT THE AMOUNT OF \$667.95 FOR HIS PART IN THE LOSS OF ONE (1) ANTELOPE. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

Commissioner Gilstrap stated the following revocation should start for Warren Browning at the end of the existing revocation period.

**Motion:** Gilstrap moved and Chilton seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF WARREN C. BROWNING TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE CURRENT LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE A HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES FROM OR TO BRING CIVIL ACTION AGAINST WARREN C. BROWNING TO COLLECT THE AMOUNT OF \$667.95 FOR HIS PART IN THE LOSS OF ONE (1) ANTELOPE.

FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Austin W. Carter

Carter was found guilty in Round Valley Justice Court of A) taking bull elk during antlerless elk season and B) possessing/transporting unlawfully taken wildlife (bull elk). He was fined \$223 for Count B); Count A was suspended.

**Motion:** Golightly moved and Melton seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF AUSTIN W. CARTER TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE CURRENT LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE A HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES FROM OR TO BRING CIVIL ACTION AGAINST AUSTIN W. CARTER TO COLLECT THE AMOUNT OF \$2,226.49 FOR THE LOSS OF ONE (1) BULL ELK. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Raymond George Rout

Rout was charged with A) taking wildlife without a valid license; B) obtaining a 2002 license by fraud and C) obtaining 2002 elk permit by fraud. In Williams Justice Court, Count A) was dismissed per plea agreement and he was fined \$200 for Count B and \$50 for Count C.

**Motion:** Chilton moved and Gilstrap seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF RAYMOND G. ROUT TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE A HUNTER EDUCATION COURSE AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH BEFORE APPLYING FOR ANY OTHER LICENSES TO HUNT IN THIS STATE; FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Matthew Otto Feenstra

Feenstra was charged with A) taking wildlife (mule deer) while on revocation; B) possessing unlawfully taken wildlife (mule deer); C) taking big game (mule deer) without a tag and D) waste of edible game meat (mule deer). Counts A, B and C were dismissed per plea agreement in Kingman/Cerbat Justice Court. He was found guilty of Count D and was fined \$500-\$200 suspended; two years' probation and 90 days jail time, suspended. Mr. Ordway noted the Department was working with the County Attorney's office to coordinate with the Game and Fish Department on resolving prosecution issues on this individual.

Feenstra has numerous convictions for taking deer and javelina illegally and was under two consecutive five-year revocation periods at the time of this incident. His revocation period began May 17, 1996, and continues until May 17, 2006.

**Motion:** Gilstrap moved and Chilton seconded THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION TO COLLECT THE AMOUNT OF \$1,335.89 FROM MATTHEW OTTO FEENSTRA; FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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